

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Task Force Officer (TFO) assigned to the FBI's Tampa Field Office. In my duties as a special agent, I investigate violations of federal law. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Task Force Officer, I am authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

One such individual was JOEL LINN O'DONNELL of Clearwater, Florida. O'DONNELL is also known as 352-AFO and #TwoPackBatter.

IDENTIFICATION OF 352-AFO, #TWOPACKBATTER

Shortly after the January 6, 2021 attack on the U.S. Capitol, the FBI began reviewing evidence of the riot and designating certain individuals who assaulted law enforcement as individuals for whom the public should "be on the lookout" (BOLO). This BOLO designation was accompanied by a number. When the individual was believed to have assaulted a federal officer, it included the suffix "-AFO." One such BOLO is 352-AFO. 352-AFO is the subject of this Statement of Facts and is an individual now known to be JOEL LINN O'DONNELL.

Citizen sleuths independently investigating the attack on the U.S. Capitol and the assaults committed against federal officers also often assigned persons of interest with an octothorpe followed by a catchy or memorable nickname that served as a unique identifier, also called a hashtag. The sleuths dubbed 352-AFO as #TwoPackBatter. As seen below, this is likely a reference to the baseball bat and pair of white poles used by 352-AFO as he assaulted federal officers during the January 6, 2021 Capitol riot.

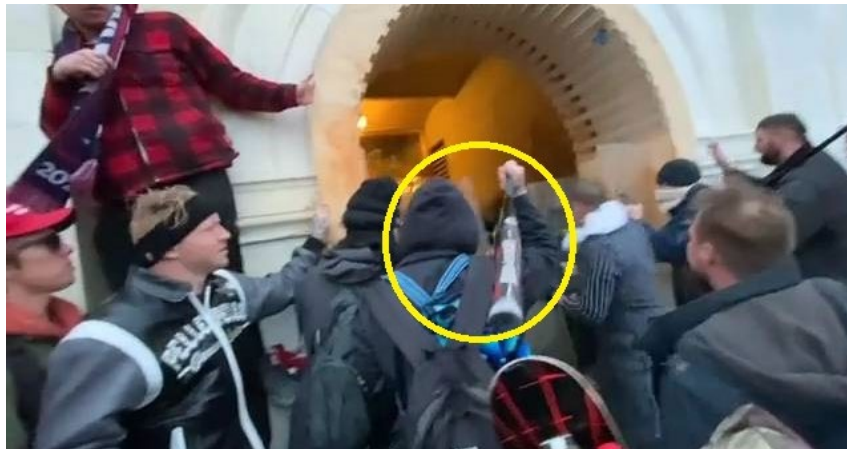


Image 1: Screenshot from third-party footage showing O'DONNELL (yellow circle) wielding a bat



Image 2: Screenshot from third-party footage showing O'DONNELL (yellow square) in distinctive shoes holding two poles- that he later threw at police officers

IDENTIFICATION OF JOEL LINN O'DONNELL AS 352-AFO

On January 6, 2021, 352-AFO, a white male, wore a black hat with a nearly flat brim, a black hooded jacket with a "USO" logo on one breast and an "Under Armour" logo on the other, a Red Fox-brand face gaiter, jeans, sunglasses hanging from a lanyard around his neck, a lightweight mottled blue backpack, and orange, yellow, and white Adidas Pharrell Williams shoes. At times, he wore a mostly black Canon-brand backpack over his own, including while he assaulted police.

The black Canon backpack belonged to O'DONNELL's identified associate, who appeared to work as a photographer for a magazine known as Coffee Or Die. O'DONNELL and the associate were seen together in several open-source videos at and near the Ellipse rally on January 6, as well as on Capitol grounds during the riot. O'DONNELL appeared to have assisted the associate by helping a microphone and other gear at various points.

In October 2023, a person who previously provided reliable information to the FBI identified 352-AFO as O'DONNELL.

The FBI identified records from the Florida Department of Motor Vehicle of the individual Joel Linn O'Donnell, and compared a photograph contained in those records with video footage from the Capitol on January 6. The individual Joel Linn O'Donnell depicted in the Florida records appears to depict the same individual identified as 352-AFO and shown in video footage taken on January 6, 2021.

Additionally, a report from the Pinellas County, Florida Sheriff's Office (PCSO) dated January 26, 2021, documented a dispute between two parties in which O'DONNELL allegedly was paid to install security cameras but failed to do so. The report stated that, on January 5, 2021, O'DONNELL told the complainant in the matter that he, O'DONNELL, was in the District of Columbia.

Additionally, your affiant has conducted physical surveillance in the vicinity of O'DONNELL's registered address and made in-person observations of O'DONNELL. The FBI observed a man with the same physical characteristics and likeness as 352-AFO near his registered address. Based on those in-person observations, the FBI can positively identify O'DONNELL as

352-AFO.

O'DONNELL'S CONDUCT ON JANUARY 6, 2021

On January 6, 2021, O'DONNELL attended former President Trump's rally near the Ellipse.



Image 3: Screenshot from an open-source video showing O'DONNELL (yellow circle) at the Ellipse rally

After the rally, O'DONNELL marched with a large crowd to the U.S. Capitol. Once he reached the Lower West Plaza of the Capitol grounds, O'DONNELL carried a microphone and a GoPro alongside his associate (in the gray jacket). Video footage shows rioters around O'DONNELL making derogatory remarks about "the mayor" and discussing the curfew, which had been declared by the mayor around 2:30 p.m.



Image 4: Screenshot of video footage showing O'DONNELL (yellow circle) standing next to his associate in the grey jacket, as they stood on restricted Capitol grounds

O'DONNELL and the same associate made their way from the West Front to the Upper West Terrace, closer to the Capitol building.



Image 5: Screenshot of video footage showing O'DONNELL (yellow circle) on the Capitol's Lower West Terrace

Eventually, O'DONNELL joined a large crowd of rioters occupying the temporary stadium-style risers near the Upper West Terrace while rioters threw objects at police officers positioned nearby, and later as the crowd chanted "TRAITORS!" at police officers.



Image 6: Screenshot of video footage showing O'DONNELL (yellow circle) occupying the stadium-style risers on the Capitol's Lower West Terrace

Around 4:54 p.m., O'DONNELL approached the Lower West Terrace tunnel carrying a white wooden step in his hand.



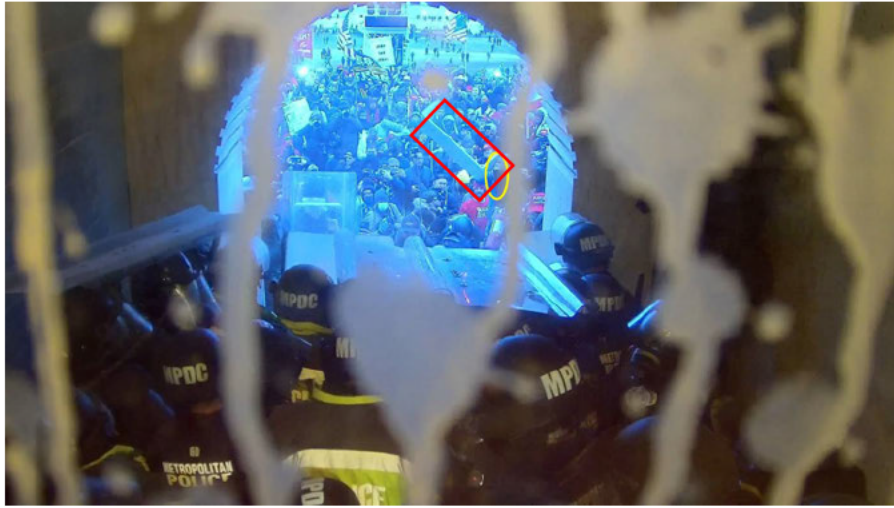
Image 7: Screenshot of O'DONNELL (yellow circle), visible with his blue backpack, as he carried a white wooden step towards the tunnel

As O'DONNELL made his way nearer to the tunnel, he can be seen also carrying two white poles.



Images 8 & 9: Screenshots of video footage showing O'DONNELL (yellow circle) carrying two poles near the tunnel (top) as he gets closer to the police line in the tunnel (bottom)

At about 4:55 p.m., O'DONNELL hurled the white wooden step at the police defending the tunnel.



Images 10-12: Screenshots of Capitol Police surveillance footage (top) and third-party footage (middle and bottom) showing the incoming step (red rectangle) thrown by O'DONNELL (yellow circle)

A few seconds later, O'DONNELL followed up by throwing both of the white poles at the police line.



Images 13 & 14: Screenshots of Capitol Police surveillance footage (top) and third-party footage (bottom) showing the incoming white poles (red rectangle) thrown by O'DONNELL (yellow circle)

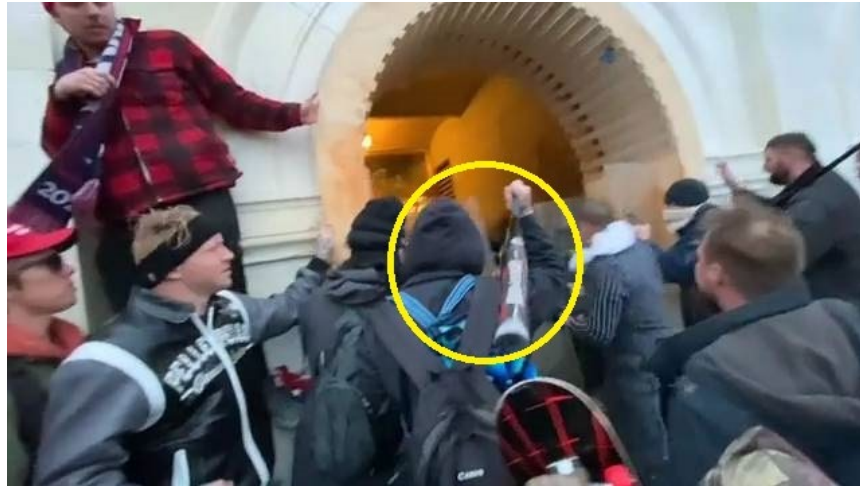
O'DONNELL remained near the mouth of the tunnel as the crowd continued to assault the officers with various objects. O'DONNELL then threw an unknown object at the police line.



Image 15: Screenshot of video footage showing O'DONNELL (yellow circle) throwing an unknown object at the police line

At approximately 5:02 p.m., as the onslaught continued, O'DONNELL reapproached the police line carrying a baseball bat. Using the baseball bat, O'DONNELL repeatedly struck MPD Officer I.F., impacting the riot shield Officer I.F. was holding.





Images 16-19: Screenshots of body worn camera footage (top two photos) and third-party footage (bottom two photos) showing O'DONNELL (yellow circle/square) using a baseball bat to repeatedly strike a police officer

Eventually, O'DONNELL retreated from the police line, only after police officers deployed riot munitions.



Image 20: Screenshot of video footage showing O'DONNELL (yellow circle) retreating from the tunnel on the Lower West Terrace

PROBABLE CAUSE

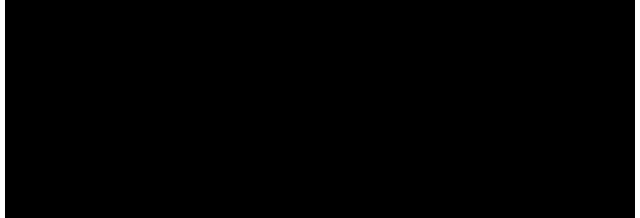
Based on the foregoing, your affiant submits that there is probable cause to believe that JOEL LINN O'DONNELL violated 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in 18 U.S.C. § 1114 while engaged in or on account of the performance of official duties. Persons designated within 18 U.S.C. § 1114 include federal officers such as USCP officers and include any person assisting an officer or employee of the United States in the performance of their official duties.

Your affiant submits that there is probable cause to believe that JOEL LINN O'DONNELL violated 18 U.S.C. § 111(a)(1) and (b), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in 18 U.S.C. § 1114 while engaged in or on account of the performance of official duties, while using a deadly or dangerous weapon or inflicting bodily injury. Persons designated within 18 U.S.C. § 1114 include federal officers such as USCP officers and include any person assisting an officer or employee of the United States in the performance of their official duties.

Your affiant submits there is probable cause to believe that JOEL LINN O'DONNELL violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of 18 U.S.C. § 231, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Secret Service's protection of the Vice President and his family and the Capitol Police's protection of the U.S. Capitol.

Your affiant submits that there is probable cause to believe that JOEL LINN O'DONNELL violated 18 U.S.C. § 1752(a)(1), (2), (3), (4), and (b)(1)(A), which make it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; (3) knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, obstructs or impedes ingress or egress to or from any restricted building or grounds; (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so. The punishment for violating these provisions by using or carrying a dangerous weapon is imprisonment for up to 10 years. 18 U.S.C. § 1752(b)(1)(A). For purposes of 18 U.S.C. § 1752, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that JOEL LINN O'DONNELL violated 40 U.S.C. § 5104(e)(2)(D), (E), and (F), which make it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 9th day of December 2024.

MATTHEW J. SHARBAUGH
U.S. MAGISTRATE JUDGE